

U.S. District Court
Southern District of Illinois (East St. Louis)
CIVIL DOCKET FOR CASE #: 3:17-cv-01232-SMY

Brown v. U.S. Department of Health and Human Services
Assigned to: Judge Staci M. Yandle
Demand: \$0
Cause: 05:552 Freedom of Information Act

Date Filed: 11/10/2017
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**Nathaniel O. Brown**

represented by **Frederick W. Keck**
Weilmuenster Law Group PC
3201 West Main Street
Belleville, IL 62226
618-257-2222
Fax: 618-257-2030
Email: fwk@weilmuensterlaw.com
ATTORNEY TO BE NOTICED

V.

Defendant**U.S. Department of Health and Human Services**

represented by **Adam E. Hanna**
Assistant U.S. Attorney – Fairview Heights
9 Executive Drive
Suite 300
Fairview Heights, IL 62208
618-628-3700
Fax: 618-622-3810
Email: Adam.Hanna@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/10/2017	<u>1</u>	COMPLAINT for <i>Injunctive Relief</i> against United States Department of Health and Human Services (Filing fee \$ 400 receipt number 0754-3397332.), filed by Nathaniel O. Brown. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2)(Keck, Frederick) (Entered: 11/10/2017)
11/13/2017	<u>2</u>	Notice of Judge Assignment. Chief Judge Michael J. Reagan and Magistrate Judge Stephen C. Williams assigned. All future documents must bear case number 17-1232-MJR-SCW. If the parties consent to Magistrate Judge assignment, the consent form with instruction is attached for your convenience. Refer to Civil/Removal Case Processing Requirements, found on the ILSD website, for further service information. (lmb) (Entered: 11/13/2017)
11/13/2017	3	NOTICE OF ACTION. See Local Rule 83.1(f). In all cases filed in, removed to, or transferred to this court, all attorneys, including government attorneys, shall file a written entry of appearance before addressing the court. Attorney Keck does not have a Notice of Appearance on file in this case. (lmb)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 11/13/2017)
11/13/2017	<u>4</u>	NOTICE of Appearance by Frederick W. Keck on behalf of Nathaniel O. Brown (Keck, Frederick) (Entered: 11/13/2017)
11/29/2017	<u>5</u>	Summons Requested. (Keck, Frederick) (Entered: 11/29/2017)

11/30/2017	<u>6</u>	Summons Issued as to U.S. Department of Health and Human Services. (cjo) (Entered: 11/30/2017)
12/15/2017	<u>7</u>	SUMMONS Returned Executed by Nathaniel O. Brown. U.S. Department of Health and Human Services served on 12/5/2017, answer due 2/5/2018. (Keck, Frederick) (Entered: 12/15/2017)
01/02/2018	<u>8</u>	NOTICE of Appearance by Adam E. Hanna on behalf of U.S. Department of Health and Human Services (Hanna, Adam) (Entered: 01/02/2018)
01/02/2018	<u>9</u>	ANSWER to <u>1</u> Complaint, by U.S. Department of Health and Human Services.(Hanna, Adam) (Entered: 01/02/2018)
01/14/2018	<u>10</u>	Joint MOTION to Stay <i>Case</i> by U.S. Department of Health and Human Services. (Hanna, Adam) (Entered: 01/14/2018)
01/16/2018	<u>11</u>	ORDER : The parties' have jointly moved for a stay of these proceedings to allow Plaintiff to refile and pursue a Freedom of Information Act ("FOIA") request. The parties anticipate that Plaintiff will secure the information he is seeking via this course of action. Accordingly, the parties seek to stay this matter to promote judicial efficiency. The Court considers several factors to determine whether a discretionary stay is appropriate, including: whether a stay will unduly disadvantage the non-movant; whether a stay will streamline and simplify matters for trial; and, whether a stay will reduce the burden of litigation on the parties and the Court. <i>See e.g. Landis v. North American Co.</i> , 57 S.Ct. 163 (1936). Here, a stay would not unduly prejudice either side, and it may eliminate the need for litigation entirely. The parties' joint request for a stay (Doc. <u>10</u>) is hereby GRANTED. A status report shall be filed with the Court by Monday, March 19, 2018. Signed by Chief Judge Michael J. Reagan on 1/16/2018. (rah)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 01/16/2018)
03/19/2018	<u>12</u>	STATUS REPORT by Nathaniel O. Brown. (Keck, Frederick) (Entered: 03/19/2018)
03/21/2018	<u>13</u>	ORDER: The Court is in receipt of Plaintiff's timely status report, filed March 19, 2018. Plaintiff indicates that the FOIA process is ongoing. Accordingly, Plaintiff is directed to file another status report by Monday, June 18, 2018, or at an earlier date if the matter is resolved. Signed by Chief Judge Michael J. Reagan on 3/21/2018. (rah)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 03/21/2018)
06/19/2018	<u>14</u>	STATUS REPORT by Nathaniel O. Brown. (Keck, Frederick) (Entered: 06/19/2018)
06/20/2018	<u>15</u>	ORDER: The Court is in receipt of Plaintiff's timely status report, filed June 19, 2018. Plaintiff indicates that the FOIA process is ongoing. Accordingly, Plaintiff is directed to file another status report by Tuesday, September 18, 2018, or at an earlier date if the matter is resolved. Signed by Chief Judge Michael J. Reagan on 6/20/2018. (rah)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 06/20/2018)
12/14/2018	<u>16</u>	STATUS REPORT by Nathaniel O. Brown. (Attachments: # <u>1</u> Exhibit 1)(Keck, Frederick) (Entered: 12/14/2018)
12/18/2018	<u>17</u>	MOTION to Lift Stay by U.S. Department of Health and Human Services. (Hanna, Adam) (Entered: 12/18/2018)
12/19/2018	<u>18</u>	ORDER: In light of the parties' representations, the stay is hereby lifted. The Government shall file a brief on exhaustion of administrative remedies by January 10, 2019. Plaintiff shall respond by January 24, 2019. No extensions will be granted. Signed by Chief Judge Michael J. Reagan on 12/19/2018. (rah)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 12/19/2018)
01/03/2019	<u>19</u>	Case Reassigned to Magistrate Judge Gilbert C. Sison. Magistrate Judge Stephen C. Williams no longer assigned to the case. (dmw2) (Entered: 01/03/2019)
01/09/2019	<u>20</u>	MOTION for Summary Judgment by U.S. Department of Health and Human Services. Responses due by 2/11/2019 (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F)(Hanna, Adam) (Entered: 01/09/2019)

01/25/2019	<u>21</u>	MOTION for Leave to File <i>Amended Complaint</i> by Nathaniel O. Brown. (Attachments: # <u>1</u> Exhibit A)(Keck, Frederick) (Entered: 01/25/2019)
01/28/2019	<u>22</u>	ORDER: The Government must respond to the Motion for Leave to Amend (Doc. <u>21</u>) by Friday, February 15, 2019. Signed by Chief Judge Michael J. Reagan on 1/28/2019. (rah)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 01/28/2019)
01/29/2019	<u>23</u>	CJRA TRACK B assigned: Final Pretrial Conference set for 5/1/2020 at 11:00 AM in East St. Louis Courthouse before Chief Judge Michael J. Reagan. Bench Trial set for 5/11/2020 at 9:00 AM in East St. Louis Courthouse before Chief Judge Michael J. Reagan. (Attachments: # <u>1</u> Consent to Magistrate Judge)(rah) (Entered: 01/29/2019)
02/07/2019	<u>24</u>	RESPONSE to Motion re <u>21</u> MOTION for Leave to File <i>Amended Complaint</i> filed by U.S. Department of Health and Human Services. (Hanna, Adam) (Entered: 02/07/2019)
02/08/2019	<u>25</u>	RESPONSE in Opposition re <u>20</u> MOTION for Summary Judgment filed by Nathaniel O. Brown. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5)(Keck, Frederick) (Entered: 02/08/2019)
03/05/2019	<u>26</u>	Case reassigned to Judge Staci M. Yandle. Chief Judge Michael J. Reagan no longer assigned to the case. (jlrr) (Entered: 03/05/2019)
03/07/2019	<u>27</u>	ORDER: Telephonic Scheduling Conference set for 4/10/2019 at 2:00 PM before Magistrate Judge Gilbert C. Sison. Instructions for the conference call are as follows: (1) call toll-free, 888-273-3658 ; (2) when prompted, enter the seven-digit Access Code: 5699758 ; (3) when prompted, enter the four-digit Security Code: 1232 . Signed by Magistrate Judge Gilbert C. Sison on 3/7/2019. (dmw2) (Entered: 03/07/2019)
03/11/2019	<u>28</u>	NOTICE RESETTING Hearing: Telephonic Scheduling Conference reset for 4/18/2019 at 2:30 PM before Magistrate Judge Gilbert C. Sison. The call-in information remains the same as stated at Doc. 27. THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED.(dmw2) (Entered: 03/11/2019)
04/04/2019	<u>29</u>	ORDER: Due to the recent reassignment of this case to Judge Staci M. Yandle, the Final Pretrial Conference is reset for 5/20/2020 at 9:30 AM in Benton Courthouse before Judge Staci M. Yandle and Bench Trial is reset for 6/1/2020 at 9:00 AM in Benton Courthouse before Judge Staci M. Yandle. Signed by Judge Staci M. Yandle on 4/4/2019. (slh)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 04/04/2019)
04/18/2019	<u>30</u>	Minute Entry for proceedings held before Magistrate Judge Gilbert C. Sison: Telephonic Scheduling Conference held on 4/18/2019. Attorney Fred Keck present on behalf of the Plaintiff. AUSA Adam Hanna present on behalf of the Defendant. The Joint Report of the Parties will be adopted with the modifications discussed during the scheduling conference. The parties were reminded of the option of consenting to the magistrate judge. THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (dmw2) (Entered: 04/18/2019)
04/18/2019	<u>31</u>	SCHEDULING ORDER: Discovery due by 2/5/2020. Dispositive Motions due by 2/21/2020. Signed by Magistrate Judge Gilbert C. Sison on 4/18/2019. (Attachments: # <u>1</u> Joint Report of Parties)(dmw2) (Entered: 04/18/2019)
06/13/2019	<u>32</u>	MOTION for Summary Judgment by Nathaniel O. Brown. Responses due by 7/18/2019 (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5)(Keck, Frederick) (Entered: 06/13/2019)
07/02/2019	<u>33</u>	MOTION for Extension of Time to File Response/Reply as to <u>32</u> MOTION for Summary Judgment by U.S. Department of Health and Human Services. (Hanna, Adam) (Entered: 07/02/2019)
07/15/2019	<u>34</u>	RESPONSE in Opposition re <u>32</u> MOTION for Summary Judgment filed by U.S. Department of Health and Human Services. (Attachments: # <u>1</u> Exhibit A – Declaration of Hugh Gilmore with Attachments 1–7)(Hanna, Adam) (Entered: 07/15/2019)

11/26/2019	<u>35</u>	ORDER: Pursuant to Administrative Order 257, effective immediately, this case will no longer be referred to a Magistrate Judge for pretrial proceedings. Should the parties elect to consent to have the Magistrate Judge conduct all proceedings in this matter, the Notice and Consent to Proceed Before a Magistrate Judge form shall be filed within 14 days of this Order or before the deadline for filing dispositive motions, whichever is later. Consents filed after this deadline may not be accepted by the District Judge. A link regarding the magistrate judges in this district is included for your convenience: http://www.ilsd.uscourts.gov/documents/BenefitsofConsent.pdf . Magistrate Judge Gilbert C. Sison no longer assigned to case. All future documents must bear case number 17-1232-SMY. Signed by Judge Staci M. Yandle on 11/26/2019. (rah) (Entered: 11/26/2019)
------------	-----------	--